

RACIAL AND
IDENTITY
PROFILING
ADVISORY
BOARD

Annual Report
2024

Best Practices

RECOMMENDATIONS AND BEST PRACTICES

2024 RIPA REPORT

The 2024 Annual RIPA Report provides recommendations and best practices from the RIPA Board for law enforcement agencies, the Legislature, local policymakers, the Commission on Peace Officer Standards and Training (POST), community members, researchers, and advocates to promote evidence-based and data-driven policy reforms to eliminate racial and identity profiling and improve law enforcement and community relations. The Report provides context and research that inform the recommendations and best practices described below. These recommendations are not exhaustive, but provide a foundation upon which stakeholders can build and develop emerging next practices geared toward safe and equitable policing.

EVOLVING ISSUES REGARDING PRETEXTUAL STOPS

Resisting Arrest

The Board makes several recommendations to law enforcement agencies, municipalities, district attorneys, and the Legislature:

- Adopt internal policies that prohibit district attorneys from filing and law enforcement agencies from submitting to the district attorney's office for review misdemeanor criminal filings on standalone resisting arrest charges if it is the sole charge listed at the time of arrest and is not accompanied by other citable offenses, unless extraordinary circumstances exist, such as an identifiable, continuing threat to another individual or there exists another circumstance of similar gravity.
- Explore internal policies that limit district attorneys from filing standalone misdemeanor resisting arrest charges or charges where resisting arrest is charged in conjunction with trespass, disturbing the peace, driving without a valid license or a suspended license, simple drug possession, minor in possession of alcohol, drinking in public, under the influence of a controlled substance, public intoxication, or loitering, unless extraordinary circumstances exist, such as an identifiable, continuing threat to another individual or another circumstance of similar gravity.
- Develop policies to require officers to notify supervisors prior to making an arrest for resisting arrest and have supervisors review any case where resisting arrest is alleged in a report.
- Develop policies requiring district attorneys to review body-worn camera footage in any case that involves a resisting arrest allegation prior to filing charges.
- Adopt internal policies that eliminate or severely limit arrests and charges filed for resisting arrest during consensual encounters unless extraordinary circumstances exist, such as an identifiable, continuing threat to another individual or another circumstance of similar gravity.
- Adopt internal policies that prohibit arrest and filing of charges against individuals stopped for community caretaking unless extraordinary circumstances exist, such as an identifiable, continuing threat to another individual or another circumstance of similar gravity.
- Adopt internal policies that prohibit arrest and filing of charges against individuals if the alleged resisting stems from a disability.

Field Interview Cards

The Board makes the following recommendations to the Legislature, municipalities, and law enforcement agencies regarding field interview cards.

- Prohibit the collection of field interview cards and entries into CalGang or any agency database in absence of an arrest.
- Prohibit the collection of field interview cards and entries of youth into CalGang or any agency database designed to track criminal information after youth are questioned or a field interview is conducted without the presence of an attorney.
- In the alternative to the previous two recommendations, agencies should recognize and include in their policies that these encounters may not be fully consensual, and officers should be required to inform the individuals subject to the field interview that they do not have to respond to questions and are free to leave. Additionally, officers should be required to:
 - Inform individuals that providing a physical form of identification is voluntary;
 - Not use a person's failure to stop, answer questions, decision to end the encounter, or attempt or decision to walk away to establish reasonable suspicion for initial stop or detention, search, citation, or arrest of the person if an officer is engaged in, or attempting to engage in, a field interview.
- Consider prohibiting law enforcement agencies from creating criminal databases that are not tied to information about an arrest or conviction.
- Ban the collection of and entries into any agency databases designed to track criminal information if the entry is collected from a stop for community caretaking or when a person might be experiencing a mental health crisis. Law enforcement supervisors shall review any case where a field interview card is filled out after a community caretaking or crisis intervention contact. This recommendation does not apply to collecting information that might assist law enforcement in its approach to interacting with the individual in crisis or in engaging in their legal requirements under disability civil rights laws.
- Make the removal process from CalGang and other agency databases designed to track or store criminal information more transparent. Require agencies to conduct regular audits, including determining if notice is properly provided to a person entered into a database and evaluating the processes for removal from the databases to ensure compliance with the laws.
- Create funding incentives for agencies to adopt policies prohibiting the input of non-criminal information into agency databases for tracking purposes and audit those practices.

Officer Assignment Type: Specialized Teams and Hot Spot Policing

The Board recommends that the Legislature, municipalities, and agencies develop policies or enact laws to:

- Create policies that provide for measurable oversight of specialized teams and require law enforcement agencies to develop policies that define clear objectives and outcomes for the specialized teams. These policies should address enforcement of any violation of the law or deviation from the programmatic mission.
- Provide funding programs that focus on community-based drug and violence intervention programs.

POLICE CONTACTS WITH YOUTH WITH DISABILITIES AND YOUTH EXPERIENCING MENTAL HEALTH CRISES

Prioritizing a Care-First Model to Reduce Harm from Negative Interactions with Police

Researchers and advocates recommend that law enforcement agencies and communities prioritize a care-first model for encounters with youth with disabilities and youth experiencing mental health crises, reducing unnecessary criminal justice intervention or law enforcement response in favor of a sustained community response. This care-first model includes recommendations to:

- Establish community-based behavioral health crisis care systems that eliminate the involvement of law enforcement in responses to behavioral health emergencies except where special circumstances require their assistance. These crisis care systems should have:
 - (1) Regional crisis call centers that dispatch the appropriate care teams and route individuals to the appropriate facilities. These crisis call centers should take all behavioral health calls within a community and provide real-time access to a live person every day, 24 hours per day, for individuals in crisis. The staff at the regional crisis call centers should be trained to deliver telephonic intervention services, triage calls to assess for additional needs, and coordinate connecting individuals to additional support, whether that means dispatching mobile services teams to provide direct and immediate care at the scene or transporting individuals to facilities for more intensive care.
 - (2) Regional crisis mobile response teams that are dispatched to the location of the person in crisis to support de-escalation, provide an assessment, and/or arrange for more intensive care if needed. Mobile crisis teams should be capable of providing continuity of care beyond the initial crisis including, for example, assistance with scheduling future appointments and providing transportation to those appointments.
 - (3) Receiving centers and stabilization facilities should be required not to turn anyone away and function as the mental health equivalent of a hospital emergency room for people of various ages with various clinical conditions or concerns. Receiving centers and stabilization facilities should be staffed with a multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis and provide varying levels of interventions; and, when more intensive interventions are required, be able to arrange for and transport those individuals to the appropriate mental health settings.
- Increase mental health supports in the places where children spend the most time, particularly schools. This can include increasing support staff, specialized counseling for students after police encounters — such as counselor-led mental health screenings, post-encounter counseling, and preparatory awareness programs — and the discontinuation of programs that treat children as criminal actors. It may also include increasing access to non-traditional preventative and early intervention (PEI) programs within schools, such as peer support groups.
- Encourage the primary use of de-escalation and stabilization techniques in interactions with youth with disabilities, when law enforcement presence is necessary. Training on these techniques should include foundational information on developmentally appropriate behaviors of adolescents (e.g., emerging skills in self-control and decision-making) and how these factors influence youth’s interactions with and responses to police.
- Discontinue the use of physical restraints when youth, especially young children, do not present an actual, immediate threat of safety to themselves or those around them.

Restructuring Law Enforcement Responses to Behavioral Health Emergencies

Researchers and advocates also recommend restructuring law enforcement responses to behavioral health emergencies by implementing Police Mental Health Collaboration (PMHC) programs. Researchers and advocates recommend that PMHC programs:

- Train law enforcement officers on:
 - Recognizing signs and symptoms of mental illness;
 - De-escalation techniques;
 - Understanding how disabilities may affect compliance with orders and impact behaviors, and likewise how implicit bias and structural racism affect the reactions and actions of officers and the systems in which they work in ways that create inequities;
 - Understanding that youth experiencing mental health crises are not inherently dangerous, accurately understanding violence risk cues, and ascertaining intentions to avoid misinterpretation of behavior;
 - Using conversation instead of force, asking questions aimed at obtaining a full understanding of the situation, and employing patience instead of immediate demands when interacting with youth with disabilities; and
 - Gathering information from family members or friends about the individual's background and the specifics about their present behavior, including whether the behavior is the result of a disability, which will help officers employ more effective strategies to moderate the person's distress and behavior.
- Increase officer awareness of mental health resources within their community and their ability to collaborate with those resources.
- Include people with mental illness in program trainings to dispel stereotypes that people experiencing mental illness are dangerous, build compassion for their lived experience, and reduce bias.
- Encourage municipalities and law enforcement agencies to implement protocols that:
 - (1) Use licensed health care and mental health workers rather than law enforcement as first responders when emergency services are requested for children and adolescents in mental health crisis;
 - (2) Limit use of force against children during mental health calls;
 - (3) Train law enforcement personnel who respond to and/or interact with youth in mental health crises on effective developmentally appropriate communication that emphasizes de-escalation techniques and non-punitive trauma-informed interventions; and
 - (4) Allocate resources to historically underfunded and underserved communities to break the cycle of poverty and criminalization of racial minority children and adolescents.
- Encourage law enforcement agencies to adopt policies that prohibit the use of force, except when necessary to prevent injury or harm to the individual or officer, against children and persons with physical and mental disabilities, and recommend that police use less confrontational tactics and de-escalation during mental health calls.

- Encourage municipalities and law enforcement agencies to modify policies, procedures, and practices to avoid discrimination on the basis of disability responding to calls involving people with mental health and physical disabilities.
- Train dispatch and call centers to practice active engagement with callers to ensure they gather accurate information about the behavior of the person in crisis and the circumstances that triggered the call so that the least invasive intervention and the most appropriate crisis response can be employed.

ADDRESSING PROFILING OF STUDENTS

The Board makes several recommendations to mitigate the disproportionate and detrimental impacts of law enforcement interactions with Black and Hispanic/Latine(x) students and students with disabilities.

Role of Law Enforcement in Schools

- The Legislature should repeal the part of Education Code Section 38000 authorizing school districts to operate their own police departments.
- The Legislature should explore identifying specific student conduct or statutory violations that require disciplinary action that should be handled by school staff, and for which law enforcement officers should not be involved. This review should include making clear the responsibility of schools to respond to conduct requiring disciplinary action without relying on police and the related responsibility of police not to respond to disciplinary issues in schools.
- School districts should adopt policies that require staff to obtain approval from an administrator prior to reporting a student to law enforcement with respect to non-emergency matters. Districts should set clear policies that staff are only permitted to contact law enforcement without prior approval in circumstances involving an immediate threat to school safety or imminent risk of serious physical harm to students or staff. Districts should clearly define those situations that would qualify as an emergency and require staff to document the reasons law enforcement was contacted.
- The Legislature should more clearly define how suspected offenses related to fighting, assault and battery without injury or threats of assault and battery and drug possession by students on K-12 campuses should be treated by school staff and whether or not they may be referred to police.
- The Legislature should prohibit law enforcement officers from pursuing or using force in an effort to detain, apprehend, or overcome resistance of students who are fleeing relating solely to low-level disciplinary conduct.
- School districts should adopt policies establishing that under no circumstance should law enforcement use force against students that is not legitimate, necessary, and proportionate.

Stop Data Reporting by Law Enforcement in Schools

- Law enforcement agencies should implement practices to ensure the accurate and complete reporting of RIPA stop data among primary and secondary school-aged children and youth. Agencies should provide training to clarify the requirements for reporting stops of students.
- The Board recommends incorporating data, disaggregated by identity groups, about all law enforcement stops of students and the outcomes of these stops into California's existing school accountability system as an indicator of school climate.

Student Threat Assessment Processes

- The Legislature should develop due process protections for student threat assessment processes and mandate that incidents involving only self-harm may not be assessed as threats.
- Researchers should study threat assessment outcomes to evaluate whether they are consistent, align with the programs' guidelines, and are effective at reducing violence and improving student experiences.
- The Legislature should require schools to inform parents and students of threat assessment process on an annual basis by including information in the school's policies and orientation materials and on its website.

Use of Restraints, Electronic Control Weapons, Chemical Agents

- The Legislature should prohibit law enforcement officers and school security personnel from using mechanical restraints on all students unless the student poses a serious risk of harm to themselves or another person. This is especially the case for students with a perceived or known disability or a student having a mental health crisis.
- The Legislature should prohibit law enforcement officers and school security personnel from using electronic control weapons against students or individuals who reasonably appear to be minors in K-12 schools.
- The Legislature should prohibit the use of all chemical agents, including but not limited to OC spray, against students or individuals who reasonably appear to be minors in K-12 schools.

Training

- The Legislature should mandate that any law enforcement officer who is working an assignment that may require responding to a school receive training provided by POST, which is currently mandated for officers employed by a school district-administered police department. The Legislature should also mandate that POST update this training.

Funding

- The Legislature should limit or prohibit the use of funding to pay for school-based police, school-based probation department staff, and school security officers, and reinvest funding to resources that promote safe environments for and improve services to students, such as family resource navigators, school climate advocates, and restorative justice teachers.
- Government agencies should prioritize grant and other funding that focuses on educational and supportive programs like counseling as opposed to funding law enforcement presence in schools.

ACCOUNTABILITY

Police Unions

- The RIPA Board calls upon researchers to review agency-level data and the structure of unions, POBR [Public Safety Officers Procedural Bill of Rights – a set of statutory protections specifically for law enforcement officers], and questions of collective bargaining on their impact on police behavior, specifically with regards to bias. The Board encourages examination of these questions and the data in order to provide more evidence regarding the impact of unions on law enforcement accountability.

CIVILIAN COMPLAINTS

- Law enforcement agencies should review all related video footage in each complaint investigation. This recommendation is intended to expand on the Board’s prior best practices for investigatory procedures to ensure that all complaint investigations are thorough and objective. Thus, review of video footage should take place in addition to, and generally not replace, other investigatory procedures, such as witness interviews, when investigating civilian complaints.
- Law enforcement agencies should incorporate root cause analysis into the civilian complaint process.

POST TRAINING & RECRUITMENT

Guidelines and Protocols

The Board makes the following recommendations regarding POST guidelines for racial and identity profiling courses:

- Emphasize that effective racial and identity profiling policies can increase safety for officers and communities.
- Clearly reflect the relevant legal standards prohibiting profiling as defined by California law, rather than the broader federal standards.
- Include a topic to discuss the prohibition against relying upon stereotypes and profiling in policing, relying on RIPA data and other studies to demonstrate the outcomes and impact of such profiling.
- Include history as required by the Penal Code: “[t]he history and role of the civil and human rights movement and struggles and their impact on law enforcement.”
- Include the general expectations of officers (individual responsibility) and of the profession (collective responsibility).
- Include the topic of personal accountability and the duty to intervene and how to report officers engaging in racial and or identity profiling including citizen complaints, job discipline or loss, and allegations of serious misconduct that can lead to decertification.
- Discuss real-life scenarios and incidents and examples of racial and identity profiling and discussion of what officers could have done differently (behavior modification and intervention strategies).
- Include the consequences of racial and identity profiling.
- Emphasize that using the RIPA data to identify trends and patterns that may indicate racial and identity profiling at the agency or individual officer level and work to reform policies and practices to prevent profiling.
- Include the topic of agencies ensuring data accuracy and integrity.
- Include effective policing strategies to reduce racial and identity profiling.
- Include recommendations around partnering with academics and advocacy groups to work together toward reducing racial and identity profiling.
- Include guidelines around best practices with respect to civilian complaints that have been addressed by the Board in past Reports.

Community Stakeholder Input/Training Development

- The Board recommends that POST create broader transparency in its racial and identity course curriculum development and certification process by publishing this information on the POST webpage and engaging with a diverse group of stakeholders throughout the process.
- The Board recommends that RIPA training include the benefits of and means to achieve effective community engagement.
- The Little Hoover Commission recommends and the RIPA Board agrees that POST widen its scope of researchers, partner with researchers to develop new curriculum that addresses knowledge gaps identified by law enforcement, and add additional public members from vulnerable communities, mental health professionals who serve vulnerable communities, and experts in adult education and scientific research.
- The Board recommends that POST adopt a process and publish timelines for Board and community review that will engage community and stakeholder input on how to improve trainings.

The Board recommends that POST allow time for meaningful feedback throughout curriculum updates and development, including community sourcing of subject matter experts (SMEs).

Integrate a Timeline for Board and the Community Review of Curriculum

The Board recommends incorporating three specific times for Board interaction, community feedback, and a public sourcing of subject matter experts (SMEs) before the course development or update process is finalized:

- At least 90 days before setting the timeline for course revision, POST will consult with the RIPA Board on the specific topic of the upcoming training course development or update and provide the current version of training materials and a summary of the subject matter, so the Board can assist in a call for a diverse set of SMEs, including persons from targeted communities, persons affected by the training topic, advocates, academics, and other experts.
- At least 60 days before publication of the training and before the course is submitted to the Commission, POST shall present a draft publication to the Board with sufficient time to hold a subcommittee or Board meeting to discuss the draft, review community and SME feedback, and draft final recommendations to POST. POST should notify the Board which SMEs were included in training development and the expertise backgrounds of subject matter experts included in this specific training development.
- Before the public comment period closes, POST will respond in writing to the Board whether and how recommendations were incorporated in the training with sufficient time for the Board to respond in writing. This letter should also include the same review of which SME applicants were selected and those omitted, and which SME revisions were rejected.

Measure Course Effectiveness

The Board recommends that POST adopt the following recommendations made by the Little Hoover Commission that were included in the 2023 RIPA report:

- POST should revise its process for evaluating law enforcement training to include additional course certification criteria that incorporate training outcomes.
- POST should establish a process to collect and secure data for research purposes in order to improve training.

- POST should establish a permanent academic review board to ensure training standards are aligned with the latest scientific research findings regarding new and existing standards and training.

The Board additionally proposes that POST measure the effectiveness of its courses by:

- Measuring the effectiveness of course outcomes with the goal of transformative learning leading to actual behavior changes, not just the pass rate of the course.
- Encouraging long-term changes in police behavior by pairing training with additional practice that supports training tenets with complementary policies, supervisory oversight, managerial support, and community involvement in reform efforts.
- Encouraging short-term behavior correction of “split second” decisions during training by simulating the dangers of implicit bias.
- Measure effectiveness by outcomes related to specific behavioral change goals. These goals should be mandated in curriculums approved or certified by POST to determine if trainings are having the desired effect.

Accountability in Trainings

The Board recommends POST include the following content on the topic of accountability to ensure that every racial and identity profiling course contains material on officer and supervisor accountability:

- POST’s training development should include the topic of accountability and a discussion of how officers are accountable for each other.
- Racial and identity profiling and accountability should be integrated into most POST courses implemented in field training and as a reminder in daily roll call meetings.
- Provide courses on officer peer behavior and supervisor accountability and reporting and responding to biased practices by fellow officers.
- Racial and identity profiling curriculum should also include information on the consequences of officers engaging in racial or identity profiling behavior or of not reporting profiling by other officers.
- POST training topics on accountability should contain real-world examples and interactive components so officers can understand how bias may have affected the interaction. The development of such training should include consultation with the RIPA Board.

Museum of Tolerance Racial Identity Profiling Train-the-Trainer Curriculum Update

- The Board recommends that both POST and the Museum of Tolerance (MOT) adopt robust practices to develop the racial and identity profiling Train-the-Trainer curriculum, such as creating a review timeline for the Board and the community, seeking community and stakeholder input earlier in the course development process, incorporating their feedback before finalizing the training, and evaluating the effectiveness of the MOT course.

Dispatcher Training Course and Curriculum

- The Board recommends that POST ensure consistency in the course outline across agencies. Presently the outline is abstract and does not ensure consistency across agencies. This allows for disparities to exist between agencies. For example, the outline does not include a definition of “bias-by-proxy” nor does it include uniform questions that may assist dispatchers in understanding whether the call at hand is a bias-by-proxy call in a consistent manner across agencies.
- The Board recommends that POST include more detail to the topics discussed, such as the type of information that should be gathered by dispatchers, and then allow agencies discretion to respond in their respective communities. POST may wish to include more specific information in a central place like the outline or in the associated workbook.